

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

A DRIVER BY COLUMN		EVECTAL AND DIVIDAD	ATTORNEY POCKETNO	CONFIDMATIONALO
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,863	01/22/2002	Heidrun Engler	016930-000816US	4929
20350	7590 10/01/2004		EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			PESELEV, ELLI	
TWO EMBA	RCADERO CENTER			
EIGHTH FL	OOR		ART UNIT	PAPER NUMBER
SAN FRANC	CISCO, CA 94111-3834		1623	
		•		

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	·	Application No.	Applicant(s)			
		10/055,863	ENGLER ET AL.			
Office Action S	Summary	Examiner	Art Unit			
		Elli Peselev	1623			
The MAILING DATE of Period for Reply	f this communication app	ears on the cover sheet with the c	orrespondence address			
THE MAILING DATE OF TH - Extensions of time may be available after SIX (6) MONTHS from the maili - If the period for reply specified above - If NO period for reply is specified above - Failure to reply within the set or extension	IIS COMMUNICATION. under the provisions of 37 CFR 1.13 ng date of this communication. is less than thirty (30) days, a reply ve, the maximum statutory period veried period for reply will, by statute than three months after the mailing	Y IS SET TO EXPIRE 3 MONTH(36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE date of this communication, even if timely filed	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
2a) This action is FINAL .						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ☐ Claim(s) <u>28-58 and 82</u> 4a) Of the above claim 5) ☐ Claim(s) <u>28-41 and 82</u> 6) ☐ Claim(s) <u>42-58</u> is/are 7) ☐ Claim(s) is/are 8) ☐ Claim(s) are su	(s) is/are withdraversels. 2-88 is/are allowed. rejected. objected to.	vn from consideration.				
Application Papers						
Applicant may not reque Replacement drawing sh	st that any objection to the detection including the correction	r. epted or b) objected to by the formal drawing (s) be held in abeyance. See sign is required if the drawing (s) is objected. Note the attached Office	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119						
a) All b) Some * c) 1. Certified copies 2. Certified copies 3. Copies of the ce	☐ None of: of the priority documents of the priority documents ertified copies of the prior the International Bureau	s have been received in Application in the heart of the large transfer in the heart received in the heart rece	on No ed in this National Stage			
Attachment(s)	•					
 Notice of References Cited (PTO- 2) Notice of Draftsperson's Patent D Information Disclosure Statement Paper No(s)/Mail Date 	rawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	•			

Application/Control Number: 10/055,863

Art Unit: 1623

Claims 42-58 are rejected under the judicially created doctrine of obviousnesstype double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,392,069 for the reason set forth in the Office Action of May 27, 2004.

Applicant's arguments filed August 30, 2004 have been considered but have not been found persuasive. Since the Terminal Disclaimer has not been submitted at the time of the instant office action, the above stated rejection has not been overcome.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 9.00-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elli Peselev

PRIMARY EXAMINER
GROUP 1800